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NEW ACT OF An Interior Parliament: Arbitrator's Journal.

Early made with the most plan, in the Center
of the British Colonies, to improve all Wo-
men under Government (Natives of the Isle
only excepted) for Debt contracted legally by
their husbands.

Completed in
The Case of a young Gentlewoman, already Fifteen
Years of Age, under Two Decrees of Court
Against her as a Slave.

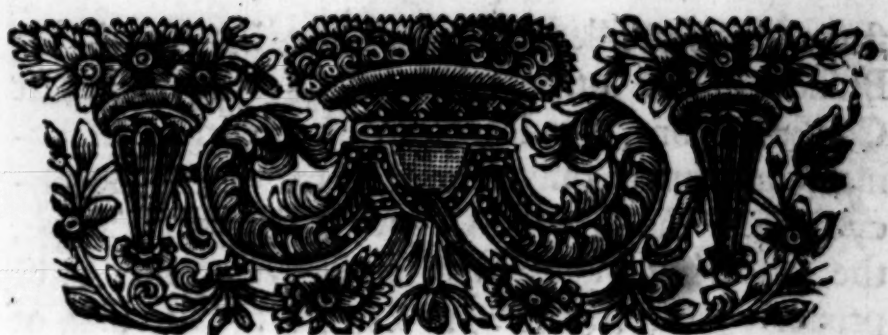
To be sold with
The Unpublished Proceedings thereon, as the matter con-
tained a new and interesting view of a Party to pay, or was
over to that State, the said two Decrees was contained by
her husband.

Meeting of the late and of the late Legislature of
the Colony.

Addressed to the High-Chancellor.



LONDON:
Printed and sold by W. G. Smith, near St. Paul's Church.
In the Strand.
[The end of the world.]



To the Right Honourable

Philip Lord Hardwicke,

Lord High Chancellor

O F

G R E A T B R I T A I N.

My LORD,



OUR Lordship's profound Judgment, and exquisite Learning in the Law, together with an Uprightness of Heart adequate to it, from whence flow those ardent Desires, so distinguishable in your Lordship, to distribute Justice equally, to the Poor as well as to the Rich, hath induced his Majesty (ever watchful in protecting the Rights, Liberties, and Privileges of all his Subjects) to place you in that high and most honourable Station, thus so

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stupendiously filled by your Lordship in all its Branches, and utmost Extent. From these just Considerations, my Lord, together with your being constituted one of the Lords of the Regency during the King's Absence; I humbly hope, the following Pages will therefore come most properly addressed to your Lordship, Guardian of those Statutes on which our Liberties are founded, more especially at this Juncture, as an humble Petition has been lately delivered into his Majesty's own Hand, in behalf of this Gentlewoman, already so long under Oppression; I say, Oppression, my Lord, as I humbly apprehend it will most evidently appear, that the aforesaid Law, mentioned in the Title-Page, deprives his Majesty's *British* Subjects of their antient and confirmed Privileges and Protection.

When your Lordship seriously reflects on the wretched Condition of this unfortunate Gentlewoman, [Wife to Mr. *James Justinian Hingston*,] That she has been already imprison'd in the Isle of *Man*, since the second Day of *February* last was twelve Months, in extreme Want, destitute of any one Friend or Acquaintance there, and supply'd with the indispensable Necessaries of Life by resident Strangers in the said Isle, moved thereto by Charity and Compassion only, without a Penny in the World at her Command, even to buy a Morsel of Bread, much less to pay her Husband's extravagant Debts, in which she was no-way concerned; when these cruel Enormities, I say, are taken into due Consideration, and likewise that all the original Title-Deeds of her said Husband's Estate are deposited in the same Creditors Hands, as a Pledge for their Demands,

Demands, together with every other Circumstance firmly in her Favour, without any Crime whatsoever, or even the Appearance of it against her, *Save only that of being a Wife*; it is hoped, my Lord, this Innovation will be judged such an Infringement on the *British* Constitution, as cannot be passed over unnoticed and unredressed, consistent with the antient Liberties of the Subject.

That every one ought to be paid what is justly due, no one will dispute; but then the Contractor of Debts, and his Security lodged for Payment, is what ought to be abided by, and not lay hold off, and imprison, an innocent, helpless, suffering Wife, from the Beginning, contrary, I presume, to the Law of God, and repugnant also to the Law of Nations. This Conduct seems directly in Opposition to the *Magna Charta* of *England*, established long before the Grant of the said Island by the Crown: It seems to break through the Savings and Reservations contained in an Act of Settlement of that Isle, made in the Reign of King *James* the First: But, supposing, my Lord, they had full Power to make such a Law (tho' I know not from whence it could derive on this side *Constantinople*), I shall take upon me to prove clearly from their own Records, that no such Statute was ever enacted by them: And therefore, when this matchless Imprisonment comes to Light, and the Authority for it is maturely examined into, I will venture to say, when the Storm ariseth, it will prove itself in every Shape and Sense to have been upon a sandy Foundation.

I must beg leave to recommend to your Lordship's Attention, that every possible Step for this Feme

Prisoner's Justification and Defence has been already taken, both in the Isle of *Man*, and with the Lord thereof, but in vain, and without the least Redress, as will hereafter more fully appear: And as the Government in that Island are very sensible of it, and will hereby perceive, that the whole Proceedings are made public, by way of Remonstrance, to the Lord High Chancellor of *Great Britain*; should it still be disregarded, and passed over unexamined and unredress'd, to give it the mildest Term, what insupportable Severities may not the same Authority afterward impose upon any of his Majesty's other Subjects, whose ill Fortune may force their Retirement to that Island!

This Publication, my Lord, is not only intended to extricate the present Prisoner out of what I am persuaded is an Oppression, but likewise to prevent, for the future, any more of his Majesty's and their fellow Subjects (who at present reside amongst them, or who, for Generations to come, will be constrained to follow), from falling into the same or any such oppressive Snare, which, through an uncontrolled Subversion or Corruption of Laws, may, nay, will, come to pass, if not thus at this time prevented, and of which I shall by-and-by give another Specimen and Forerunner: I say, This time, my Lord, because, amidst the Unfortunate, whole Centuries may pass away, before one, who finds or thinks himself aggriev'd, will be able to prevent his unredress'd Grievance from lying buried in Oblivion.

And here, my Lord, it is with Compassion and Tendernefs to be considered, that scarce one steers his Course to that Island, who is not first reduc'd
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in Fortune, not able to keep his Doors open in *Great Britain* or *Ireland*: And tho' I conceive it to be next to an Impossibility, for such as have always abounded in Riches, Honours, and great Splendor, to have a truly just Idea of the bitter Difficulties, Sorrows, and Anxieties of Mind and Heart, which ever attend those who fall under Fortune; yet, nevertheless, the Good, whose Hearts are sensibly touch'd therewith, will, I am convinced, readily agree with your Lordship, that it is mournful enough to be sunk into *Poverty* (the untimely, tho' mortal Wound of all Friendship), banished their native Country, and all Acquaintance, and drove in Distress to a remote Place among Strangers, without being hamper'd there, and deny'd the same Benefit of Law as even the meanest, among the least, of their fellow Subjects.

I am not to be understood, as if all Men who retire to said Island, are quite empty-handed; for the Case is otherwise: Nevertheless the Majority of those who do, have but small Dependancies whereon to subsist. Who of this Class, my Lord, is so unhappy, as not to keep clear of Controversies and Law (which is very difficult to do), however he is hardship'd or aggrieved, in his own or his Lawyer's Judgment, has no other Redress but to labour and groan under it; because all his worldly Substance is insufficient to forward an Appeal: And to attempt a Procedure in *Forma Pauperis*, is found to be false *Latin*, as well in that Court, as with the Lord of the Isle.

And, as to a Petition to King and Council, I humbly apprehend it will not be listen'd to or regarded, but from the Lord of the Island's Determination;

mination; and the Lord of the Isle will take no notice, or concern himself about it, but upon an Appeal from the Decree of his Court; and an Appeal from his Lordship's Court cannot be obtained, without Security lodged for the whole Sum in Dispute, as also an additional Sum of Thirty Pounds, deposited, to prosecute said Appeal, beside the heavy Expence of going to *London*, feeding Lawyers there, Delays, &c. And here, my Lord, lies the last Difficulty upon the Poor and Oppress'd, and is the lamentable Case of the present unhappy Prisoner; for she can no more make such a Deposit, or procure the other Security, than I can pay off the National Debt: Therefore, unless she is otherwise relieved, the helpless Creature must innocently perish in Prison, contrary to the known Laws and Custom of the whole Christian World, as well as without a regular Bye-Law even to give Countenance to this unjust, as well as unnatural Imprisonment.

I shall now, as already proposed, beg leave to lay before your Lordship a further Specimen of their Laws and Conduct thereon: But, as an Affair of this Nature (to avoid injurious Misrepresentations on the one hand, and the better to answer the Intent on the other) requires to be set forth in its full, true, and clear Light, I therefore hope your Lordship will excuse my being so very particular in it; for tho', in itself, this peculiar Case may be trifling, yet the Tendency and Consequence of their Proceedings thereon, is become a matter of such Importance to his Majesty's other Subjects, as ought to be inquir'd into, and effectually redressed.

A Gentleman, whose Name I decline making use of, lest it may be disagreeable to him, whose ill Fortune in a fair and extensive Foreign Trade forced him to that Retirement since the Beginning of this War; and when his Rank and Degree in the World appears, together with his Behaviour during his Residence in that Isle, and the abominable ill Treatment he there received in being rewarded Evil for Good, by an inconsiderable Fellow, and that in their legal Way of Proceeding; unable afterwards to obtain the least Redress, and absolutely denied the same Benefit of Law (tho' so unjustly injured) as the Offender at first had against him; because, by a late Statute, he the said Offender, and all the rest of those mighty Men, are screen'd and protected therefrom, as being Natives of that important Mon——r——hy; when this, I say, is made evident, I cannot help looking upon it as a very strange and surprising Circumstance: For, my Lord, I will be bold to affirm, that his Majesty King George (God protect him, and continue a strong leading Shoot from his Royal House, as a rich Blessing to these Dominions, till Time shall be no more!), I say, that neither his Majesty, with all his Royal Authority, nor any one Court in *England*, could exercise the same Power over them; because they, as Liege Subjects to the Crown of *England*, are intitled to the full Benefit of all the general Acts of Parliament of this Kingdom, whenever they take up their Abode in it. Therefore for a Native of *England*, from whence they themselves receiv'd the Power of making any Laws at all, to be denied the Benefit of their general Acts, seems to be somewhat

what very extraordinary, as inconsistent as it is unnatural ; more especially, as that Isle, for High Treason, was twice forfeited, and annexed to the Crown of *England*, about two hundred Years after the Establishment of *Magna Charta* ; since when, I conjecture, every King, at his Coronation, did in the most solemn manner, as the very Test of his being so crowned, bind himself to support and defend the Religion, Liberties, and Properties of the Subject, as then by Law established. If so, how any Prince could afterward transfer a Power to another Person, the which he was not invested with himself, is what I do not understand (Was not King *James* the Second dethron'd for Non-observance of that same Oath?). Nevertheless, that such a Power is exercised in the Isle of *Man* over *Britons*, which cannot be done in *Britain* itself, is manifest from that Law, which includes and protects none but themselves. And, should it be here objected, that *English* born Subjects resident there are deem'd Natives, intitled also to native Privileges, and therefore included in that Law ; surely the Reverse is glaringly evident by the present amazing Decrees of Court, and slavish Imprisonment of an *English* Wife (for Husband's Debts, in which she had no Hand, nor yet Power to pay), contrary to the antient and establish'd Law and Constitution of *England*, or any Power that could be delegated to them for Centuries before the free Gift of said Isle made by the Crown to a Subject. And, what is yet more astonishing, this base Imprisonment is even contrary to the Law and Custom of their own Island, in regard to *Manks* Wives, no Precedent of the kind, or Statute

Statute for it, being ever yet known amongst them : And thus by these different Proceedings they are hardy enough, not only without Law to deprive the Natives of *England* of their antient Liberty, (in Violation of our general Acts of Parliament which extend to them, as well as of their own Acts for themselves) but likewise presumptuously take upon them, to make Laws to govern those in particular, from whom they first receiv'd the Power of making Laws to govern themselves; and therefore from what solid Foundation such exercised Authority can spring, is a Paradox fit only for your Lordship's superlative Wisdom to unfold.

It shall be my particular Care, my Lord, not to insert any thing wittingly or willingly, throughout the Whole, but what may be depended upon, as incontestable Matters of Fact, and what, according to my good Information, will be proved to a tittle, and more to the same Effect, if Occasion requires.

And, relative now in particular to this injur'd Gentleman, in order to remove all Doubts of his being an Aggressor, I think it proper and necessary, for this and other ensuing Reasons, to set forth his Conduct during his Abode there; and shall rest it intirely upon the Lord Bishop of that Isle's Letter and Certificate to him, all written with his Lordship's own Hand, the which with Difficulty I have prevailed to have here inserted, and runs in the Words following :

“ Mr. B.

“ **I** Send you the Inclosed, with my hearty Wishes for your Prosperity where-ever you go;
C “ and

“ and that you may ever preserve the same good
 “ Name and Character, that you have justly de-
 “ served while with us : And may the Blessing of
 “ God be ever with you !”

Sign'd, *Tho. Sodor and Man.*

The Contents of said inclosed Certificate is what follows :

“ Mr. *I. B.*

“ **T**HE Bearer hereof, having resided in my
 “ Diocese for about three Years past, and
 “ having by a prudent Behaviour gain'd the Re-
 “ spect of all that know him, as well as of my self,
 “ and now intending to go for *England*, I am
 “ oblig'd, in Justice and Friendship, to testify
 “ that he leaves this Place with the Character of
 “ a Worthy, Sober, and Honest Man, one who
 “ has constantly attended the publick Service of
 “ God, and liv'd without Offence with all his
 “ Neighbours. Given under my Hand and Seal
 “ the Day and Year above-written.”

Seal'd, and Sign'd, *Tho. Sodor and Man.*

This *I. B.* has likewise another Certificate full as long, and to the same Purpose, wrote by his Honour the Governor, and sealed with his own Seal: But to insert the Particulars of this also, would be a needless Repetition of the same laudable Character.

This Gentleman is of an obliging Disposition, benevolent, and ready to serve, or shew a Civility, as often as it falls in his way: And yet nevertheless he has been, in a different Shape, most barbarously treated by another Native of that Isle: However, my Lord, as the Circumstances of this
 infer-

infernal Injury and Ingratitude are various, a Detail of it would be tedious; and therefore shall content myself in delivering the Essence metaphorically in few Words, being a just and true Representation of the Case, as exactly, as it is possible for any Circumstances in Life to be, which in the Event concludes in Death.

Suppose a defenceless Person was beset by a Pack of Ruffians, with full Intent to assassinate him on the Spot, the Assault already begun; and at this critical Moment appears an armed Friend, the only one able to prevent his Destruction, who instantly attacks the Villains; with extreme Difficulty disperses them; preserving thus the other's Life, at the imminent Hazard and Danger of his own: This ended, his Safety secured, and future Benefits uncertain, the Whole is instantly disregarded and forgotten; not even Thanks, the Shadow of a Requital, returned: And as to farther Marks of Gratitude for prior Services, that timely Succour, and signal Deliverance, it was, suddenly to have his Throat cut from Ear to Ear, by the same rescued Person's own Hand, and that too, on a Prospect of Advantage, which at the same time was perfectly trifling; and yet no Man of his sort could possibly behave better for the Space of three Years, than this same *Mank's* Man did to *B.* while he continued his Benefactor, but this drawing nigh to a Period, by the others intended Departure, it seems the Case then was greatly alter'd, and he thought nothing too injurious and deceitful to put in Practice against him. Of this Mal-treatment, for want of Power to arrest a Native, and a Law to recover Dama-

ges (as will appear in the other Case), a small Branch of it only could properly come before the Court: And this Gentleman declares, the Court therein did him strict Justice.

Concerning the other Grievance, my Lord, in which I must be more particular, as their Law, in reference to it, requires to be scrutiniz'd; it stands thus: *B.* having from time to time, employed *William Kewley*, a Taylor, in his Occupation, who, at first, behav'd civil and obliging, and became so far acquainted, as to expect any small Favour occurring; by this time, another Person become indebted to said *Kewley* what to him was a considerable Sum, and which he could not recover, tho' very much wanted. Soon afterward, by Accident, *B.* got some of this Debtor's Money into his own Hands; and, remembering *Kewley's* Want, did, by persuasive Arguments, obtain Consent to stop a Part for him; and accordingly, the next Day, *B.* sent for *Kewley*, paid him near a third Part of his Debt, which rejoic'd him exceedingly, expressing himself in the most grateful Terms imaginable, with the Addition of sundry Encomiums, such as Honour, Honesty, Goodness, &c. Upon which *B.* asked him, whether he had not the Debtor's promissory Note, that he may endorse the Payment on it. He reply'd, Yes; and that he desired nothing but what was fair and honest. Accordingly *B.* wrote on the Back of said Note; viz.

*REceiv'd of Mr. Hingston, by the Hands of I. B.
so much, being in part Payment of the with-
in Note. As witness my Hand, &c. —*

Kewley

Kewley then signed it, left his Blessing, and afterward upon many Occasions did repeat to *B.* his thankful Acknowledgments for the Favour done him.

And yet, my Lord, after these good Offices, that same *Kewley*, at the Expiration of eleven Weeks, supposing his Debt was become more desperate, he by the Instigation of the Devil, the Advice of his Attorney, or from the Dictates of his own corrupt Heart, did take out an Action against *B.* his Benefactor, for the whole Contents of that Cash Note; had him arrested, and deliver'd into the Custody of a Soldier, in order to be transmitted to Jail, quite across the Isle, to *Castletown* the Metropolis, and Seat of Government: and thus as he was carried Prisoner, like a Criminal, through the Streets, viewed by the Inhabitants, this good Mr. *Kewley* stood by the Market-Cross, haranguing a Croud about him; and, in order, as I suppose, to prepossess the Minds of the People in his own Favour, had so far changed his Note in reference to his Friend *B.* as to salute him, when passing by, with a Loud and AUDIBLE Voice, actually in these very Words: "Is this the worthy Gentleman, the Man of Honour and Honesty?—Fine Gentlemen indeed! I'll teach him what it is for Rogues to come here, cheating honest Folks out of their Money—Aye, marry, will I!" How grating such a confounded Piece of Arrogance, and vile Ingratitude, must be to the Spirits of this Gentleman so situated and circumstanc'd, I leave any one to judge: Yet there was no Remedy but Patience; and so he passed on, an exposed Prisoner,

er, to *Castletown*. When there, having stopped at the Constable of the Castle's House, he sent to a Gentleman of his Acquaintance, who came directly, and, being greatly surpriz'd at Sight of the Prisoner, offered himself Bail at once for the said Prisoner's due Appearance to that Action; but, to their great Astonishment, it was refused, as being contrary to Law, which requires absolute Bail for the Debt, or else for the Decree of Court: But the Person who so tendered himself as Bail, did not care to put a Part of his Fortune into the Power of God knows who, to swear away (perhaps) at Will and Pleasure: And here, my Lord, lies both a Difficulty, and a dangerous Point; for a Person may often find Bail for Appearance, when he could not for absolute Debts, or Decrees of Court; besides, 'tis a tempting and practicable Path for Fraud and Imposition upon any his Majesty's Subjects (except themselves, who cannot be arrested at all), or else submit to false Imprisonment; to which *B.* was on the point of being committed: Whereupon he argued, that the Law of *England* was grounded upon Reason, and that such Refusal of good Bail was diametrically opposite to both; that, instead of his being indebted to *Kewley*, *Kewley*, at that Instant, was indebted to him, for Money lent him in his Necessity out of *B.*'s own Pocket; and therefore to refuse Bail trebly sufficient, for *B.*'s Appearance to that Action the first Court-Day, and not to depart the Court without Licence, was neither Law, Reason, or Justice, but a barefaced downright Oppression; and which, I presume, will be agreeable also to your Lordship's unerring Judgment; because

because the Defendant would be the same Prisoner next Court-Day, as then ; or, in Default, the Plaintiff would have better Security to answer the Charge against him: But this, my Lord, amounted to no more, than a Parcel of nonsensical Chatter ; and accordingly *B.* had the great Mortification to be hurried directly into the Body of a Jail.

At next Sitting of the Court, my Lord, both Plaintiff and Defendant appeared: The former by his Attorney labour'd to make evident, that *B.* was liable to the whole Note ; and, as a Proof, urged, that a Part of it had been already paid by him, as appeared by the Endorsement : But as *B.* had not sign'd the Note, this Quibble could not avail. He then by Witness endeavoured to prove, that *B.* had promised to pay the said Note ; but here also the Plaintiff, to his visible Surprise, was grievously disappointed, it being only attested, that *B.* was heard to say, he would pay such a Part of it, which Promise they saw he had performed by the Endorsement. The Plaintiff's Attorney then attempted to insinuate some other inconsistent Falshoods; but the Defendant explained the Whole to full Satisfaction; and the Court, perceiving the Iniquity of the Arrest, in Justice dismissed the Action; and it would have been laudably performed to have given the said Offender *Kewley* a gentle Rebuke for his intended Villainy, who then lately had been tried for buying stolen Goods, and of which with Difficulty, and great Expence, he got clear.

The next Day, my Lord, *B.* attended the proper Office, and requested an Action against *Kewley*,

ley, for his Costs, Damages, false Imprisonment, Hurt of Credit, &c. (which last may quickly ruin a Person in a strange Place; with Money little, and Credit less, where the Natives are apt to conceive, invent, and credit every Ill of Strangers newly come amongst them): But was answered by the Controller, that no such Action could be granted. *B.* then observed, That *Kewley* was no estated Man: To which the other replied, That the Letter of their Law was, that no landed Man or Native could be arrested, unless he had *previously* taken out a Pass, or that some *Overt Act* in attempting to quit the Isle was proved upon him: Upon which *B.* with some Warmth expressed his great Astonishment, how such partial Authority could exist, or be authoriz'd and justified, in the King's Dominions; that he himself had the Honour of being one of his Majesty's Justices of the Peace during Life, by Charter from under the present King's own Hand, a Captain's Commission likewise; and that if he tamely suffer'd himself to be so intolerably ill used in his Majesty's Dominions, without getting or seeking Satisfaction, that he ought to be stripped of both. To which the Controller civilly reply'd, He was sorry for the ill Usage; but, could do nothing contrary to Law. And thus was this injured Gentleman, in a slavish Silence, forced to submit, having no Expedient left to redress his Wrongs, or alleviate his Grief, save only that of pocketing quietly his Abuse.

And now, in regard to *Kewley's* being indebted to *B.* at the very time when *B.* was so *righteously* imprison'd by him, the better to illustrate that

that Point, my Lord, and to set forth *Kewley protected by Law* in his truer Colours, I beg leave just to observe, that the said Cash was lent him, before the other friendly Payment was made, in which last Payment *B.* proposed to reckon his own Money formerly lent. But *Kewley* begg'd earnestly not to stop it then, being very much streightened; that he knew *B.* would soon have Employment for him, and that he would work it out with Thanks; to which *B.* without Hesitation very obligingly consented, and instantly paid him the other Money, without any the least Deduction: But, my Lord, notwithstanding this additional Act of Kindness, when *B.* was settling his Affairs in order to quit the Island, he called on *Kewley*, knowing the Work done could not exceed half the Money lent or thereabout; but *Kewley* took care (as being the last) to swell up his Bill, to some Pence more than said Loan, and not only compelled *B.* to allow his exorbitant Account, but endeavoured before the Deemster to make him pay it in ready Money, and not be accountable for the Cash formerly lent him in Necessity, pretending it was paid him in part of the said Cash Note: But if that was true, it would have been added to the Endorsement thereon. And thus *B.* my Lord, instead of a Refund of his whole Money with either Interest or Thanks, was forced to content himself with about half, or, what is equal to it, the paying near double for his Work, and which he did not dispute, unwilling to lose Time, and being intimidated with Threats of a second Action of Arrest, the Consequence of which must be, immediate Payment with Costs, or probably to be

sent to Confinement, as sufficient Bail for due Appearance is not good in Law: Beside, the Event of such a Contest would be to run into more Vexation and Expence, without any other Redress afterward, but to be laughed at, and bid Defiance: Yet, notwithstanding all this barbarous Usage, *B.* must rest contented with both his Loss, and his oppressive Imprisonment, when at the same time the Offender is screen'd from it, who is very sensible of their Protection, and the great Difficulty of calling them to a proper Account, as will evidently appear from his own Expressions upon another Occasion.

Such insulting and scandalous Language when in Custody, as a Requital for Favours conferr'd, and a courteous Deportment; such a manifest Return of bitter Evils, as a Reward for the greatest Good possible and peculiar to it; such an amazing Protection of perfidious Imposers in *British* Dominions, when injured Innocence lay openly exposed, and incapable of Redress; must be an extreme Mortification to any Man, more especially to a Gentleman (and that in the Isle of *Man* particularly) who has paid Thousands of Pounds Sterling into the publick Revenue, who never practised, or was ever known, to defraud his Majesty a Shilling; the which all the Revenue Officers of his Time and Place, from Collectors down to Supernumeraries, would testify for him, to the best of their Knowledge, and firm Belief.

Here I must beg Indulgence for a little Digression, in saying, That he likewise paid Thousands more in Premiums to the *London* and Royal Exchange Insurance Companies, and other Under-

den-writers, tho' he never made any profitable Voyages at their Expence, by Consignation of rotten Ships to *French, Spaniards, Rocks or Sands*; and, what (perhaps) is more remarkable, in Eighteen Years insured Commerce, he never apply'd to them for Reparation of any Loss or Damages, once singly excepted, and that only for Topmasts and Rigging lost in a Hurricane at *St. Kitt's*, when many valuable Ships and Cargoes were there and thereabout totally destroyed.

Strange and wonderful are the Vicissitudes of Life; and, to leave all other Misfortunes unrecounted, what Anxiety of Mind, and grievous Heart-burnings, must it not create in this Man, thus to become a Prey to such Vultures, so much exposed to the Will of protected rapacious Men, to be so treated without Cause and without Redress, I leave your Lordship and the World to judge; more especially when you are informed, that it was but a small Space of Time before, when this identical Gentleman, being then chief Magistrate, had summon'd a Council in the City whereto he belonged; and, having propos'd the Celebration of his Majesty's Birth-Day, as usual in that large and loyal Corporation, it was objected, that the Chamberlain was out of Cash, occasioned by publick Buildings, Charities, &c. and as it usually cost a large Sum (the topping Freemen always attending by hundreds, tunning down good Wine as long as it could take that Course), it was therefore mov'd to pass the Day over unnotic'd. A considerable time spent in *Pro and Con*. The Question put, this Motion had the Majority.

Our Gentleman *B.* always firm and zealously attached to his present Majesty, and the Protestant Succession in his illustrious Family, would not omit doing Honour to that auspicious Day ; and therefore sent a general Invitation to all the Officers of then *Ponsonby's*, now *Dejean's* Regiment, together with the Officers of six other Companies, all barrack'd in that City ; and did at his own House, and at his own private Expence, regale them with a splendid Entertainment, while the Band of City Musick delighted the Ear ; both Companies of Grenadiers were ordered before the Door ; and, when the Repast was ended, a complete Round of all the loyal Toasts were distinctly and successively drank, not omitting the glorious Memory of our Deliverer, nor the illustrious Prince and Princess of *Orange* ; each Toast being honoured with a Volley from the Veterans abroad, succeeded by loud and echo'd Acclamations from a numerous Crowd of By-standers ; a Plenty of strong Beer and Wine was ordered for the Grenadiers, to drink his Majesty's Health likewise : Night approaching, a large and lasting Bonfire was made ; his Windows, being numerous, illuminated with three hundred Candles ; which, from its Situation, afforded distant and various agreeable Prospects ; and the Solemnity concluded with Demonstrations of Joy, suitable to the glorious Occasion. General *Richbel*, and as many of those Officers as are now in being, know well the Veracity of each Particular.

This Loyalist, who so distinguished himself in Honour of the happy Day, was, on a Succession of heavy Losses, by Failures and bad Markets abroad,

abroad, forced to retire ; and, leaving a real Estate worth above three hundred Pounds *per Annum*, in the Hands of his Creditors, retreated, as already observed, to the Isle of *Man*: And here I must not let slip one Passage more with that important Islander *Kewley*. *B.* finding that no legal Reparation for his Costs and Damages could be had, resolved to have an Interview with him, in hopes he would discover some Degree of Remorse for what he had perpetrated, and make some civil Concession or Apology for it, such as Persuasion by wicked Advisers, &c. and, having put his Design in Execution, found *Kewley* standing with several of his Intimates. Upon which *B.* with a proper Deference, as well as Cadence, mildly accosted him in these very Words: “ Mr. *Kewley*, was it not a Sin and a Shame for you
 “ to hurt my Credit and Reputation, by exposing
 “ and imprisoning of me in the manner you
 “ have done ; and that, in Return for doing you
 “ a singular Piece of good Service, the which
 “ you could not have done for yourself, and which
 “ you had no Obligation upon me to—?” Here *B.* was interrupted, and fell so far short of that very trifling Satisfaction, as to be answered by this *Maltese Knight* with an intermix’d Air of protected Self-sufficiency and Insolence, *bona fide*, in these express Words: “ Leave off your Noise and Chat-
 “ ter ; or else if you do not, I will put you in
 “ Jail again before To-morrow Morning, if I
 “ please, and you shall not touch me.” This Speech was instantly attended by a rapturous Laugh, and nimble Shake of his Shoulders, countenanced also with Smiles of Approbation by
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the rest; and truly, no Wonder. To which, in the same gentle Tone of Voice as at first, *B.* thus reply'd: "Upon my Word, *Mr. Kewley*, you
 " have good Reason for saying so; because you
 " have already done the very Thing, and that in-
 " deed upon a Foundation a thousand times worse,
 " than upon being gently reproached for Ingrati-
 " tude." Thus nothing remained but manual Chastisement. Had that been attempted, and that *B.* himself did come off with his own Bones broke, he also (for such an Assault) would have the additional Comfort of paying a smart Fine to the Lord of the Isle (perhaps unsuitable to his Circumstance), or else be recommitted to his former Confinement; and therefore, as at all Events no Honour could possibly be gained, but the quite reverse, Prudence pointed out to him the only good Expedient remaining in his Power; and that was, to sneak off (the Jest of these Grandees), as I have seen a little terrify'd Cur, with his Fur just raised, and his Tail hugg'd in close behind, wavering his Head, and casting a surly Eye from side to side, but dare not look about, or even snarl but faintly within his Teeth. *O Tempora! O Mores!*

My Lord, how grievous and affecting soever these Injuries may be to the Parties distressed and abused, yet nevertheless I cannot be insensible of its being a Subject tedious and dry to all unconcerned Readers; the Well-disposed, Humane, and Good, ever and always excepted. I am likewise very sensible, that Pamphlets in general are but little regarded: Yet I humbly hope, such will not be the Fate of this; not that I think otherwise from any the least Merit comprehended in it,
 save

save only that of conveying Truths in a plain, honest Simplicity, for the publick Good, as the only Expedient within Reach, towards the Removal of such impending Grievances as Partiality, and flagrant Oppression, so fundamentally unwarrantable in *British* Dominions, requiring of course the Attention of superior Powers; and which, in common Humanity, I have undertaken, particularly in regard to those who are most, and should in Conscience be least, liable to it; namely, such of his Majesty's other Subjects as already are, and hereafter will be, overwhelmed with ill Fortune otherwise; more especially the Fair Sex, who thus are exposed (*Manks* Wives only excepted) to such unheard-of Severities as were never before practised in the Christian World, and yet more particularly those amongst them, whose ill Fortune it either is, or may be, to be united to extravagant Men, whose unbounded and destructive Expence in Liquors, brings so many Calamities in a Family as are but too well known to need the least Repetition. These, I say, are Sufferances grievously bitter, and heart-breaking enough, to all such distressed Wives throughout the best of their Days, without ending such their ill Fortune innocently and miserably in a Jail, as this poor Gentlewoman is now like to do, without speedy Relief; and that, I will venture to say, by a wicked Imprisonment, as it is for Debts she neither contracted, nor has Power to pay.

It is not to be doubted, my Lord, but these Gentlemen will object, That they, and their Laws, are grossly misrepresented.—To which I answer, in a word, that incontestable Facts always carry their

their own Evidence with them.—First, it will be urged in their Defence, that *B.*'s Complaints of unredressed Injuries are ill-grounded, because he might have had *Actions of Process* against the Offenders:

—This last Particular is confessed to be true; and accordingly he did take out such an Action against *Kewley*; but, when he apply'd to his Attorney for Advice how to proceed, was informed, that Orders must be had to summon an Inquest into the Defendant's Goods and Chattels, as the first Step to be taken; but he, at the same time, in Friendship advertis'd *B.* that as there was no Law for Recovery of such Damages, he would only have the Pleasure of Horse-hire, journeying, seeing Attorneys, and probably four Months Attendance at Court, thus throwing away good Money after bad; and therefore his said Attorney, against his own Interest, very honestly advised him to drop the Cause, in which the other readily acquiesced, exceedingly rejoiced at his great good Luck in being no farther advanced in Expence, than one Horse-hire, one Journey, and the Cost of said FORMIDABLE Action or Process. Now, whether such an advantageous Privilege to all the rest of his Majesty's *British* Subjects, is an Equivalent to the Protection of Natives of that Isle from any Arrest at all, is humbly offered up to your Lordship's Consideration.

The other Particular, which will be complain'd of, is what I have last repeated; *viz.* That *Manks* Men are not liable to an Arrest: The which I confess to be otherwise; and how far I am culpable for that unjust Accusation, *so palpably false and injurious*, I likewise humbly submit to
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the same righteous Tribunal: For tho' it is the Constitutional Law of the Land, that no *Manks* Man or Woman, upon any Account whatsoever, can be imprisoned for Debt; yet your Lordship will remember, that in one particular Case the Person of a Native is subject to some Restraint; and what Strefs is to be laid upon that conditional restraining Power, is now the Point under Consideration.—*Subsequent* to his having taken out a Pass, or after he had made an *Attempt* to quit the Island, but no sooner, can the sacred Person of a *Manks* Man be molested:—*A noble Salvo indeed, and as fine a Time to look after him!*—And, first, in regard to a Pass; the most natural Consequence deducible from this *Proviso*, is, that we must suppose them in this one Particular to be Saints; for let an Islander designedly amass all the Treasure he possibly could from Strangers or others, and that to the utmost Extent of his Credit, with Intent to transplant himself, and live on the Spoils; yet we must depend upon it, and rest satisfied, he would by no means stir without a Pass. And, as to the Impossibility of a clandestine Elopement, it appears from hence: That Island is environ'd by these his Majesty's three Kingdoms, situate in View of all, with Boats in abundance at each End and Side of it; so that, of thirty-two Points on the Compass, let the Wind be in which Point it will, a Boat may run off at any Hour or Moment towards some Land or other; and that in a strait Line, without the least Variation in her Course: And, for want of Wind, Oars have often proved sufficient. But here, too, we must likewise rely upon it, that no

Manks Man whosoever (tho' with the Views aforesaid, &c.) would undertake such a Voyage, without first issuing out a Proclamation of such his Design; or, rather, make a feint Attempt to depart, in order to give his Creditors the Benefit of the Law against himself; else, Where lies the Force of that conditional Power over him? For without such an apish or absurd Discovery an Action of Detainure, to be lawfully executed upon him, would be equally as uncertain, as the Caption of a Swallow in Flight with a single Ball.

And this, my Lord, is the only Foundation upon which the Person of a rever'd *Manks* Man is liable to Detention only, but not to Imprisonment for Debt at any rate; when, at the same time, the best Subject in *Britain* (the Lord of the Isle excepted) may be arrested there by any Fellow under any Pretence; and truly, forsooth! no Bail for his Appearance can be taken, as being contrary to Law: It therefore must be *before Trial* (right or wrong) an absolute Bond, or a *Mittimus*.

And should they object, as already hinted, that as *Manks* Men are intitled to the full Benefit of all the general Laws of *England*, when here; so likewise are *English* Men intitled to the Benefit of their Laws, when there; How then, in that case, will they be able to answer the Imprisonment of an *English* Wife, tho' for Money spent by her Husband before ever she set Foot in the Island, and tho' she has not a Penny to pay it; when, at the same time, an Island Wife, tho' she had spent all the Money herself, and was the whole Cause of her Husband's quitting the Isle, is so far from being liable to Confinement, that even

even such a Wife can protect half her said Husband's Effects from any Attachment whatsoever, and reserve them as her own Property. If, then, such an extreme wide Difference being made between a MANKS Wife and an *English* Wife, by introducing such Practices of Court without Law, or else by making Laws to govern those who gave them Power to govern themselves, favours not a little of Usurpation; why then I must own my Notions of Government to be uncouth, rude, and ill-grounded.

But there remains something yet, my Lord, more surprising than all the rest. Their own Records will prove, that *John Clarke*, for only asserting, "That *English*-born Subjects, resident there, "were Aliens," was indicted for Treason, and forfeited Body and Goods: It must therefore be concluded, that the *English* are deemed Natives within the said Isle. Now, since it is Treason to call them Aliens, and that this *English* Wife is denied their native Privileges, how they can justify such Conduct on both Sides, is what I cannot conjecture; unless they can prove the Place of her Nativity to be somewhere, which makes her neither an Alien, nor a Native; and I fancy it will puzzle and confound their Geography, and best Understanding, either to make such a Discovery, or strike such a Medium. Now, whether the proving us to be Aliens, by depriving us of the Benefit of their Laws and native Privileges, aggravated by fifteen Months cruel Imprisonment of a guiltless Person, is a Treason of an inferior Nature to that of *John Clarke's*, who forfeited Body and Goods for only saying *We were such*, is a Question I will

not impertinently ask ; as, in my humble Opinion, it requires no very deep Penetration into Reason, Equity, or Law, to determine it most judiciously.

I very well know, my Lord, from the common Course and Nature of Things, that Persons agrieved and exasperated are apt to conceive Particulars relative to it (one oppressive Imprisonment being equal to another) in a quite different Light from other Men. If therefore this injured Gentleman should be too much influenced, by warm Imaginations, grounded upon just Resentment, so as to be urged on a Step too forward, he flatters himself it will be forgiven, and couched under the old Maxim, *Losers have leave to speak* : And if by the said delusive Influence his Judgment is not greatly biassed, and his Understanding equally blinded, he begs leave to represent this mysterious Point in another View ; and is forward to imagine, That the two different Cases of the former Legislative Body and *John Clarke*, and this of the late or present Rulers and their Prisoner, are exact Parallels to those two Cases, so current in every Mouth ; that is, the *Looking over the Hedge* as one, and *Stealing the Steed* as the other. For if it was judged a Crime so exceedingly heinous in *John Clarke*, a chattering Fellow perhaps, blinking over his Liquor, for barely saying, *That the English were Aliens*, thus peeping over the Hedge ; and that the Government, at the time being, upon that frivolous Assertion only, had him indicted for Treason, and upon that Indictment found him guilty, whereon he was condemned to forfeit Body and Goods ;

Goods; and upon which occasion also the whole Legislative Body attended, proclaiming, That if any Person or Persons shall offend in like manner for the future, they are deemed Traitors, and shall likewise forfeit Body and Goods; if *English* born Subjects, I say, are thus declared Natives within the said Isle, and that too, in the most solemn Manner possible, manifested by this heavy Sentence denounced against all such future Offences, together with the severe Condemnation of that *John Clarke*, for a Crime so little injurious, so trifling and silly in itself; What shall be said then of the present Proceedings, so wonderfully the reverse, so diametrically opposite and incompatible with the former?

I think, my Lord, Possession has always been allowed a very great Point in the Law, either for or against: And when this surprising Infringement upon the *British* Constitution in *British* Dominions is examined into, how it will be answered is beyond my Comprehension to imagine; or how it can be justifiable in those who have taken upon them, not only to say slightly, as *John Clarke* did, but firmly to prove us Aliens, by denying us their native Privileges, and divesting us also of the Benefit and Protection of the general Laws of *England* (which extend to them) by a tedious and severe Imprisonment, directly in Opposition to all: And thus (figuratively speaking) not only have looked over the Hedge (heretofore so bitterly punished by themselves), but have now—taken the Steed, and have the Creature this Day, at the Expiration of fifteen Months, a close Prisoner in their Possession; and which of these

these Words, Legally, Arbitrarily, Equitably, or TREASONABLY according to their own Laws and Constitutions, will most properly fill up the Blank left for that Purpose, is what I will not by any means take on me to pass my Judgment upon; nor yet presume to say, whether or not, I ought to have made use of a HIGHER Expression, as the most emphatical amongst these penn'd down is that which themselves adapted to the seeming lesser Offence.

And be this right, or be it wrong, my Lord, it has been transacted with Deliberation, and great Formality; because this Feme Prisoner, finding her Verbal Pleadings of no Force, delivered them in at last, in Writing, and has made them a Record of Court; wherein she pleaded in her Defence all the essential Points that could be thought of, such as *Magna Charta*. General Acts of Parliament extending to them. Savings and Reservations in the Act of Settlement of that Isle, which includes her Protection; And likewise her Coverture in general as an *English*, *Manks*, or Christian Wife: Yet nevertheless the Court decreed peremptorily against her: All which, in the *Second Part* of this unprecedented Case, will minutely be set forth.

And, as there are frequent Impositions grounded upon various odd Circumstances, in jobbing Marriages, and pretended ones, lest it might be lightly conjectur'd by many, that something or other of that Nature may lie dormant in this Case, I must beg leave to observe, that her being a regular, indisputable, and lawful married Wife, is quite evident from the very Nature of her

her said Case itself; for, were she otherwise, it would and must have been a prevalent Plea in her Defence, as upon such a Footing they could have no sort of Gloss, or even the least Pretence whatsoever, to imprison her for any Man's Debt contracted by himself, and some of these Creditors, before ever she had been within two hundred Miles of the said Island. And thus, the very one particular Condition, which alone saves and protects all other Women from it, is the only Handle and very Foundation upon which this Woman has been so wonderfully thrown into Jail, and where she now lies in a most deplorable Condition in Danger of being starved to Death: And tho' her said Husband, as far as I can learn, is exceedingly obliging, and as indulgently fond of her as it is possible for any Man to be, yet he has such an unaccountable Propensity to Musick, Company, and Drink, and is so generous when his Spirits are exhilarated, as to have contracted several other Debts; and for which an Outlawry was commenced against him, about the Time of her Commitment: Thus, being Tenant for Life only, and therefore unable to raise Money on the Estate, he is rendered incapable at present to redeem his distressed Wife out of Oppression. And, as far as I apprehend, her Detention there is an ineffectual Method to save Money out of the Estate, either to release her, or the Title-Deeds, now in the Creditors Possession, as their Security; which Deeds, the Governor declared the first Day in open Court, were, in his Opinion, a sufficient Pledge for their Demands, being in the Whole less than one Half-year's

year's Rent of the said Estate, in Value about one hundred Pounds *per Annum*; but his Honour changed his Opinion afterwards, or was silent ever since on that Head, tho' from what Cause I know not.

The aforesaid fundamental Pleadings in Writing, drawn up in the strongest Terms possible, recorded and over-ruled, incline me to imagine they think themselves quite unaccountable to any Superiors; or else they depend upon the Inability of those under their Care, to cause an (almost impossible) Inquiry to be made into their Conduct. If they have no superior Power, I confess, that what I have written is little to the Point I intended to illustrate, for which I most humbly beg their Pardons. But, if they have a superior Power, my Lord, and that it appears they have broken through, and contemptuously violated, the very Conditions upon which they enjoy the many and great Privileges they confessedly hold from under the Crown; I, for my own part, know no reason, why they might not be called upon to expostulate a little on that Subject; and, in case they have exceeded their Limits, and oppressively deprived any of his Majesty's other Subjects of their antient and confirm'd Privileges, to account personally for it, and make Reparation to those whom they, or their ill-grounded Laws, have so injured; or else I may venture to say (I hope without Offence), that my old Hedge Proverb remains yet in full Force and Virtue in — Speech.

Nor would such a Summons, my Lord, be any thing new, as may be found on your own Records,

cords, dated *August 1663*, intituled, *The Trial of the Officers of the Isle of Man*: Upon which occasion it was then, by an Order of Council, called His Majesty's Isle of *Man*; and the Lord Chief Justice of *England*, Chief Baron of the Exchequer, and the other King's Counsel then attending, gave for Law, "That General Acts of Parliament do extend to the Isle of *Man*, as well as
 " to any other of his Majesty's Plantations and
 " Dominions, and ought to be taken notice of
 " by the Judges there; tho' they are never
 " pleaded." This being so adjudged, my Lord, I humbly apprehend the Question is, Whether the *Magna Charta* of *England* (in which I presume this Feme Prisoner's Protection is included) is to be styled a private Act, or not? And which I must leave to be considered by those who have both Wisdom and Power to determine it properly..

Far be it from me to desire the least Infraction upon the Rights or Privileges of any Person or Persons whomsoever: No, my Lord, the Defence of that very Point is what I am labouring to promote. But this I say, that all Communities, Bodies Politic or Corporate, throughout his Majesty's Dominions, without Exception, who are invested with Powers and Privileges, by Charters or Letters Patent granted by the Crown, ought to content themselves with the tranquil Enjoyment of such Favours conferr'd and perpetuated, without presuming to extend their Authority beyond its proper Boundaries.

It is likewise my Aversion to exercise either my Pen or my Tongue in personal Reflections, or to

detract from the Merit or good Characters of any Set of Gentlemen or others whomsoever: I only object to a Part of their Laws, and the Practice of Court in consequence thereof, particularly in the two foregoing Instances, to justify the Cause of these Complaints; at which enormous Conduct I cannot help being greatly surpris'd, when I reflect on the Representations my Correspondent B. has given me of the Officers of that Court; as he not only expresses an Esteem, more particularly for the Governor, as Chief, but declares that he always appeared to him in the Light of a sober, sensible, discreet Gentleman; except in these Decrees against the present Prisoner, and his further Conduct relative to her Confinement: But how far he is pinn'd down by the Duty of his Office, to act against his Reason, and his Conscience, is best known to himself.

And, as to the Natives in general, to condemn in the Lump, would be an evident Mark of Ill-will and Injustice; both which this Gentleman utterly abhors and disclaims, affirming, that it would be doing Violence to his Principles not to acknowledge upon this occasion his great Regard for many amongst them; and who not only wishes for, but waits, a favourable Opportunity to testify his grateful Sentiments for particular Civilities shewn him by several worthy Gentlemen, Natives of the said Isle.

I am not at all unaware of its being remark'd, by some few, that the Subjects of B.'s Complaints are Matters of too little Importance to lay so great a Stress upon, or (perhaps will say) make so much Clamour about: To which I answer, that I am very inclinable to join them in that Opinion, provided always there could be no future Instances of the like Nature. But should these Grievances be now disregarded, and Mens absolute Will continue the Rule of their Conduct (if I may be permitted a few short, but necessary Repetitions), I would ask them, Whether all Strangers will

will not remain liable to be fraudulently attack'd, as that Gentleman was? Will they not be openly expos'd to Arrests and Imprisonment, upon any Pretence just or unjust, when at the same time good Bail for Appearance is declared useles by Law? Is there any Limitation of Sums? May it not as well be for Fifties or Hundreds of Pounds? May not wicked Men combine, and plan out destructive Schemes by false Accounts, Forgeries, Perjuries, &c. If they succeed, well and good; they dread not an Appeal to *London*, for Reasons already mentioned: If they do not succeed, no Harm is done (unless they betray each other); summing up the Whole, as *Kewley* did, "That No body can touch them." And, as to the *Fair Sex* in particular; a *Manks* Wife, tho' she run up the whole Debts herself, can screen half her Husband's intire Fortune, as her own Property; and dreads not Confinement, tho' she is able to pay or give Security, But an *Englisk* Wife, tho' she contracted not a Penny, nor has a Penny on Earth to command, must nevertheless perish in Jail at their absolute Will and Pleasure. If these are Partialities, and impending Dangers, too trifling to be taken notice of, and that the Unfortunate, among all other his Majesty's Subjects, remain expos'd to such Oppressions, perhaps to the End of the World, is a Matter of no Consequence, I am almost ignorant of what is; But this I know, that few (especially those in Trade) can take upon them to say assuredly, 'That it will never be their Turn to fall, and so become liable to these and various other severe Impositions.'

And lest the Natives of that Isle, by the foregoing Insinuations, should think themselves misrepresented, I will ease them of that Burden, by saying, That if in their neighbouring Nations the Law made such a Distinction between two different Sets of Men and Women, as now exists among Them, we should have the Courts every Day filled with litigious, wicked, and
fraudulent

fraudulent Suits ; nor am I, in my Conceit, without sufficient Authority for that Assertion, because our Daily Papers supply us with constant Accounts of Mens depriving, and attempting to deprive, others of their Properties, not only at the instant Hazard of their Lives on the Spot, but the Danger also of a Swing at *Tyburn*, tho' it may be seven Years afterward. If therefore *Manks* Men may undertake, and sometimes do these Things securely, in Form of Law, without incurring any Penalty or Danger whatsoever, but make their Diversion of it afterward ; and yet, under such alluring Advantages, not one of them ever attempt to make the Experiment ; why, then, I must pronounce them honefter than the Twelve Apostles.

As the surest Method of conveying Truth consists in telling the Tale plainly at Length, I have therefore taken that Step ; and the further Use I make of having been so very particular in the Case of *B.* in reference to himself, his Behaviour in that Isle, and the ill Treatment he there received, is, to remark, That they very well knew, who and what he was ; his Conduct there ; by whom noticed ; and that he, had also some powerful Friends elsewhere. And if, regardless of these material and other weighty Circumstances, such fraudulent Attempts were made upon him, as I have clearly evinced ; and add to this, that the base Foundation upon which they formed their Attacks, was upon singular Acts of good-natured Services done themselves ; will therefore any one take upon him to say, that Men of such Principles will scruple to take unfair Advantages of any Man, as often as they can plan them out ; more especially for the future, since now they find themselves screened by Law, and not liable to Actions of Damage ? What then will become of those hereafter, who may be far short of all those Circumstances in *B.*'s Favour, who may not be sufficiently capable of speaking for themselves, or happy enough to retain such Lawyers as have the Ear of the Court ?

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The Conclusion I draw from it is this : That if one of his Majesty's faithful Justices of the Peace, known to be such, and who conducted himself so inoffensively, and friendly, &c. &c. has been oppressively deprived of his Liberty by a Law, in my Imagination not consonant to Equity, to Reason, or even common Sense ; especially in that unjust and wicked Cause commenced against him, as aforesaid ; and that also another of his Majesty's most immediate Subjects is now deprived of Liberty, by a preposterous Imprisonment, *Vi & Armis*, unguilty, and without Law ; and not only so, but in direct Opposition to all the known Laws of *Christendom*, divine and human, relative to such a Case ; and that formal or public Complaints of these Oppressions are thus made to the supreme Authority ; should it nevertheless be passed over in Silence with Impunity, it will leave a Door open to future Ages, by which the Distressed of these Three Kingdoms (who may be compell'd to that Retreat as their best Expedient) will be liable, open, and exposed to Oppression, without Relief ; not only in the same Form as now, but, encouraged from hence, they will probably lay a heavier Yoke upon them, as being independent of, and unaccountable to any Superior ; and will naturally construe such a Taciturnity on this extraordinary Occasion, as a full Permission to act in every Shape agreeable to their own Will armed with despotic Power.

I have been informed, my Lord, by those who took upon them to say, that they themselves were Eye and Ear Witnesses to his Majesty of *Portugal* (one of the quietest Princes, I think, in *Europe*) hearing personal Complaints weekly from his Subjects ; and I have been taught to believe, and always apprehended, that it is an original inherent Right appertaining to the Subjects of these Realms, to address their Prince upon any material Grievance, especially when they are deprived the Benefit and Protection of the general Laws of the Land, and of which his Majesty, I humbly conceive,

eeive, is supreme Conservator. Upon these Considerations, my Lord, it was (after repeated Application to inferior Powers had proved of none Effect) That an humble Petition has been delivered into his Majesty's own Hand, at the Instance and in Behalf of this distressed Gentlewoman, innocently imprisoned, pinched, and terrified with the Horrors of extreme Want in a strange Country: And upon the same Foundation it is, that I have taken the Liberty of laying open these several Grievances before your Lordship, now in the King's Absence; and that also upon a double Consideration, as you are at this Time not only one of his Majesty's Representatives in the Regal Government, but also Guardian of our Laws and Liberties, in virtue of your prior high Post of Honour, and important Trust: And thus Power and Judgment united, become equally center'd in your Lordship, rendering you in every Degree able and mighty to redress the Injuries complained of, and to remand the ill-grounded Cause to its proper and solid Foundation.

The Motives aforesaid, my Lord, which embolden'd me to this Address, joined to your Lordship's conspicuous and celebrated Goodness, will, I am persuaded, induce you to pardon whatever may seem too forward in, My LORD,



Your Lordship's devoted, most humble,

and most obedient Servant,

A Lover of Liberty and Justice.

Speedily will be Published.

THE Second Part of this oppressed Gentlewoman's Case, including an attested Copy of the Law, or rather the bare Opinion only, of a Part of the Legislature without Law, upon which she has been so imprisoned: Together with sundry Remarks thereon, proving, that they have acted unconformable even to this Opinion: Also, an authentic Copy of her Pleadings, there recorded and over-ruled; with a Detail of the Prosecution of these Suits against her, &c.—*N.B.* The Parties concerned are requested to suspend criticizing on the First Part, till the Second appears.

